

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

RAYMOND LEYBA,

Plaintiff,

v.

CV 12-1010 JAP/CG

KENNETH BROWN, individually and as
Compliance Officer, Socorro County DWI
Compliance Office; PRESCILIANO VAIZA, JR.,
Individually and as Socorro County Deputy Sheriff;
SOCORRO COUNTY DWI COMPLIANCE OFFICE, an
Entity of SOCORRO COUNTY; SOCORRO COUNTY
DETENTION CENTER, an entity of SOCORRO COUNTY,
A subdivision of the State of New Mexico,

Defendants.

ORDER TO SHOW CAUSE

THIS MATTER is before the Court sua sponte. To date, Plaintiff has failed to respond to Defendants' initial set of discovery served on December 28, 2012, and did not file a response to *Defendants' Motion and Memorandum in Support of Motion for Sanctions Due to Plaintiff's Failure to Cooperate in Discovery* ("Defendants' Motion"), filed on March 4, 2013, (Docs, 24 and 25). On January 28, 2013, the Court reminded Plaintiff that he is required to comply with the Rules of Civil Procedure and granted an extension of time in which Plaintiff must respond to Defendants' discovery requests. (Doc. 22). Plaintiff did not timely comply with Defendants' discovery requests and Defendants' Counsel has not been able to reach Plaintiff by telephone in order to discuss Plaintiff's failure to produce the requested documents. (Doc. 24 at 4).

In light of Plaintiff's apparent failure to produce discovery, or properly file a

response in opposition to Defendants' Motion, and in accordance with the Court's inherent power to regulate and properly manage its docket and promote judicial efficiency, *see Link v. Wabash R. Co.*, 370 U.S. 626 (1962), the Court hereby directs Plaintiff to show cause by **April 22, 2013**, why this action should not be dismissed with prejudice pursuant to Fed. R. Civ. P. 41(b) for "failure of the plaintiff to prosecute or to comply with these rules or any order of Court."

A handwritten signature in black ink, appearing to read "Carmen E. Garza", with a horizontal line extending to the right.

CARMEN E. GARZA
UNITED STATES MAGISTRATE JUDGE